assessed is not subject to taxation. *I. C. R. R. Co.* v. *County of McLean,* 17 Ill. 291. These various states have formulated many special rules on this subject. In the cases generally, however, is found a reluctance to interfere with the collection of a tax.

EQUITY—QUIETING TITLE TO STOLEN PROPERTY.—Diamond rings and other property were stolen from plaintiff's place of business. The thieves were apprehended and held in custody. The rings and money derived from sale of some of the stolen property were found among their effects. This property was in the hands of the police, who are made co-defendants in this equity suit. Pending criminal prosecution of the accused plaintiff files a bill praying for establishment of his title and return of the property. Demurrer by defendants. *Held,* that the prayer be granted. *Homrich* v. *Robinson et al.* (Mass. 1915) 108 N. E. 1082.

Although several applications of principles of equity are found in the report the case is most interesting from the ultimate result produced. Action for conversion or replevin seems the natural remedy for the case presented. But the court allows equitable relief on the ground that adequate relief at law could not be had during the pendency of the criminal prosecution. This avoided the delay in returning the property that would have happened if a suit at law had been brought. *Hodgkins* v. *Bowser,* 195 Mass. 141 and also the statute (Rev. Laws, c. 159, § 3, cl. 1). To grant the relief asked the court had to say that the property was not so completely in the custody of the law as to bar equity. Concurrent jurisdiction of law and equity in cases of recovery of stolen chattels is found in Massachusetts. *Stratton* v. *Hernon,* 154 Mass. 310, 312. While the principle that a bill in equity will lie for discovery and delivery of possession of chattels of special and peculiar value is well settled, it could not be applied in this case. The same result was produced on a different theory. The relief found in this case recommends itself for effectiveness wherever it can be used. But some cases in other states in which this remedy has been refused either for lack of statute or otherwise are: *Jones* v. *MacKenzie,* 122 Fed. 390; *Sawyer* v. *Atchison, T. & S. F. R. Co.,* 129 Fed. 100; *Thompson* v. *Vernay,* 106 Ill. App. 182; *Ireland* v. *Loomis,* 17 Ohio Cir. Ct. R. 37.

EVIDENCE—CURATIVE ADMISSIBILITY.—The plaintiff brought action for damages alleged to have accrued to her on account of an assault by the defendant. Upon cross-examination of the defendant, he was interrogated by plaintiff's counsel as to his alleged misconduct toward another girl in the neighborhood. Subsequently, defendant called two witnesses who were permitted to testify, over plaintiff's objection, that defendant's character was good in every respect. *Held,* (ALLEN, J., dissenting), not to be error. *Gourley* v. *Callahan* (Mo. App. 1915) 176 S. W. 239.

It is clear that, in civil cases, the character of neither party may be inquired into. *Gutzwiller* v. *Lackman,* 23 Mo. 168; *Gough* v. *St. John,* 16 Wend. 645; *Wright* v. *McKee,* 37 Vt. 161; CHAMBERLAYNE, § 3273; WIGMORE, § 64. There is a well recognized exception to this rule when character is put in issue by the nature of the proceedings, *i. e.,* in slander, libel, malicious prose-

cution, etc. *Black* v. *Epstein,* 221 Mo. 286; *Vawter* v. *Hultz,* 112 Mo. 633; CHAMBERLAYNE, § 3281; WIGMORE, § 70-80. The question asked, as bearing upon the moral character of the defendant, was incompetent. But having been admitted, it was competent for the defendant to introduce in rebuttal evidence of his good character. *Mowry* v. *Smith,* 9 Allen 67. In the case last cited, the court said, "To this extent, it may be properly held that the latter [corresponding to the plaintiff in principal case] has waived the strict rule of law applicable to such evidence, and is estopped from objecting to the proof of facts, by the opposite party, which can be properly deemed to be contradictory or in rebuttal of those offered by himself." Accord, *Sisler* v. *Shaffer,* 43 W. Va. 769; contra, *Phelps* v. *Hunt,* 43 Conn. 194. The interesting point in the principal case is that that which the defendant was allowed to rebut was a mere imputation of immoral conduct conveyed in the incompetent question itself, and that he was allowed so to do by introducing evidence of his general good character and not merely by showing that he was not guilty of the specific act imputed to him by the plaintiff's question.

EVIDENCE.—IMPEACHMENT OF HANDWRITING EXPERT.—In an action against the indorsers of a note, the only question involved was as to the genuineness of their signatures. The court refused to allow the defendants to test the ability of one of the plaintiff's handwriting experts by submitting to him for identification both genuine and spurious signatures. *Held,* not to be error. *McArthur et al.* v. *Citizens' Bank of Norfolk, Va.* (1915) 223 Fed. 1004.

The court bases its holding upon the grounds of exercise of discretion and weight of authority. In so exercising its discretion, the court says, "No test of this sort had been suggested in connection with the testimony of any previous witness on either side. * * * Assuming that the witness would have failed in one or more instances to distinguish the true from the false, the effect would have been negligible, in view of the mass of testimony which had already been submitted. Moreover, if the defendant had been allowed to test the witness in this way, the plaintiff could well have claimed the right to recall the defendant's witnesses of the same class for the purpose of subjecting them to a like test, and the trial would have been indefinitely prolonged." Recognizing a discretion in the court to confine such a test within reasonable limits, the arguments used by the court in attempting to justify its ruling as an exercise of discretion are anything but convincing. It is hard to see how the failure to use this method of impeachment with regard to another witness would justify the court in refusing to permit its use with regard to this witness. To state that in the event of a failure on the part of the expert to distinguish the true from the false the effect would have been negligible in view of the mass of material which had already been admitted is to state a *non sequitur.* It is also rather violent to assume that to permit such a test to be made in any instance would prolong the trial indefinitely. Nor is it at all clear that the law is well settled, or even that the weight of authority is in accord with this holding. As to the admission of spurious writings upon cross-examination to test the ability of the hand-writing witness, the courts have taken several different views. Some courts hold that such a means of